IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18131 of 2004

Between:

Dasari Venkatamma D/o Ramaiah
Ramanjaeyapuram H/o Chinnachowk, Kadapa Mandal and

District.

..... PETITIONER

AND

1 The Joint Collector, Kadapa, Kadapa District
2 The Revenue Divisional Officer, Kadapa, Kadapa District
3 The Mandal Revenue Officer, Kadapa, Kadapa District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 2nd respondent in Ref.C/306/2004, dated 01-07-2004 in suspending the petitioner's authorisation of Fair Price shop as confirmed by the 1st respondent in her proceedings bearing L.Dis. No. I(3)/2244/2004, dated 01-10-2004 as illegal, arbitrary and motivated by extraneous considerations and consequently direct the respondents to continue the petitioner as Fair Price shop Dealer of Ramanjaneyapuram H/o Chinnachowk, Kadapa Mandal and District.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

The petitioner is the authorised dealer in respect of Fair Price Shop of Sriramnagar S.T.Colony, Ramanjaneyapuram Village, Hamlet of Chinnachowk, Kadapa Mandal and District.

The authorisation of the petitioner was suspended by the second respondent-Revenue Divisional Officer, Kadapa, Kadapa District by proceedings dated 01-07-2004, pending enquiry into the alleged irregularities in distribution of essential commodities. Against the said order, the petitioner preferred an appeal before the first respondent-Joint Collector, Kadapa, Kadapa District along with application for stay. The first respondent by order dated 01-10-2004 rejected both the application for stay as well as the appeal and directed the second respondent to dispose of the case within four weeks. Aggrieved by the same, the present writ petition is filed

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Learned counsel for the petitioner vehemently contended that the impugned order dated 01-10-2004 which was passed without giving any notice and without referring to any one of the contentions raised by the petitioner is arbitrary and illegal. He also contended that since the first respondent dismissed the appeal without assigning any reasons in support of his conclusion, the impugned order is liable to be set aside in limini.

It is true that while disposing of the statutory appeal, the first respondent ought to have gone into the question whether the suspension of the authorisation is

warranted in the facts and circumstances of the case and ought to have passed a reasoned order. However, keeping in view the fact that the enquiry initiated against the petitioner is pending from 01-07-2004, I am of the view that no purpose will be served by remitting the matter back to the first respondent for considering afresh. Instead, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to complete the enquiry initiated against the petitioner and to pass appropriate orders in accordance with law expeditiously by the end of October, 2004 without fail.

Accordingly, the writ petition is disposed of. No costs.

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06-10-2004

kdl

To

1 The Joint Collector, Kadapa, Kadapa District
2 The Revenue Divisional Officer, Kadapa, Kadapa District
3 The Mandal Revenue Officer, Kadapa, Kadapa District

4 Two C.Cs. to the Government Pleader for Civil Supplies, High

Court Buildings, A.P., Hyderabad (OUT).

5 Two C.D. Copies.